



Development	Construction of a cubicle shed & slatted tanks.
Location	Ballycahane, Portlaw, Waterford
Planning Authority	Waterford City and County Council
Planning Authority Reg. Ref.	2560885
Applicant(s)	Thomas Murphy
Type of Application	Permission
Planning Authority Decision	Grant Permission + Conditions
Type of Appeal	Third Party Normal Planning Appeal
Appellant(s)	Peter Sweetman
Observer(s)	None
Date of Site Inspection	28 th May 2026
Inspector	Matthew McRedmond

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1.0 Site Location and Description

- 1.1. The subject site is located in a rural area, approximately 2km southwest of Portlaw, Co. Waterford, in the townland of Ballcahane. The site is accessed off the west side of the L4022 local road and has a site area of approximately 3.2 hectares.
- 1.2. The site is currently in agricultural use with a number of existing sheds within an existing farmyard.

2.0 Proposed Development

- 2.1. The proposed development consists of a single story 'cubicle' shed with slatted tanks. The proposed height is 7.825 metres with a floor area of 776sqm. The proposed shed would adjoin an existing shed and would be finished in a similar dark green agricultural sheeting.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On the 6th February 2026, Waterford City and County Council granted permission for the proposed development, subject to the 6no. conditions.
- 3.1.2. Condition 2 required construction to Department of Agriculture Tams Specifications.
- 3.1.3. Condition 3 required disposal of foul effluent in accordance with the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Local Authority planning report had regard to the location of the site, planning history, national and local policy and to the referral responses and submissions made. Their assessment included the following:

- Proposal is considered to meet the requirements of Development Management Standard DM 32, due to clustering together with other similar farmyard buildings and would not detract from the rural character or visual amenities of the area.

- Therefore, recommended to grant permission with development contributions applicable.

3.2.2. Other Technical Reports

- **Environment Section** – No objection subject to conditions in relation to Tams.

3.3. Prescribed Bodies

3.3.1. No responses on file.

3.4. Third Party Observations

3.4.1. There was 1 no. third party observation in relation to the proposal. The following are the key points raised:

- The Planning Authority has four distinct sets of legal tasks when it deals with an application such as this.
- Firstly, it must assess the planning merits of the application in accordance with the Planning and Development Act, 2000 (as amended) to ensure that the proposed development is in accordance with the proper planning and sustainable development of the area.
- The Planning Authority is then also required to form and record a view as to the environmental impacts of the development, considering the EIA report if furnished by the applicant, the views of the public concerned and applying its own expertise and to screen the development for Environmental Impact Assessment.
- Thirdly, the Planning Authority is the competent authority having regard to responsibilities under the Habitats Directive. There must be no lacunae in information.
- Finally, the development must be assessed for compliance with the Water Framework Directive.
- The NPWS site synopsis for the Slaney River Valley SAC where it is stated that spreading of slurry and fertiliser pose a threat to this Salmonid river.

4.0 Planning History

- 4.1. Relevant recent planning history includes the following:
- 4.2. **Waterford City and County Council Reg. Ref. 19121:** Permission granted for the extension of an existing livestock shed at the subject site.
- 4.3. **Waterford CCC Reg. Ref. 16805:** Permission granted for extension to existing livestock shed containing milking facilities and associated works.
- 4.4. **Waterford CCC Reg. Ref. 16397:** Permission granted for extension to existing livestock shed containing milking facilities and associated works.

5.0 Policy Context

5.1. National and Regional Policy

- 5.1.1. A central aim of national policy (National Planning Framework/NPF) is to recognise the role of the rural countryside as a lived-in landscape and focusing on the requirements of rural economies and rural communities based on “agriculture, forestry, tourism, and rural enterprise while at the same time avoiding ribbon and over-spill development from urban areas and protecting environmental qualities”. The Regional Spatial and Economic Strategy (RSES) reflects the NPF position.

5.2. National Biodiversity Action Plan (NBAP) 2023-2030

- 5.2.1. The NBAP includes five strategic objectives aimed at addressing existing challenges and new and emerging issues associated with biodiversity loss. Section 59B(1) of the Wildlife (Amendment) Act 2000 (as amended) requires the Commission, as a public body, to have regard to the objectives and targets of the NBAP in the performance of its functions, to the extent that they may affect or relate to the functions of the Commission. The impact of development on biodiversity, including species and habitats, can be assessed at a European, National and Local level and is taken into account in our decision-making having regard to the Habitats and Birds Directives, Environmental Impact Assessment Directive, Water Framework Directive and Marine Strategy Framework Directive, and other relevant legislation, strategy and policy where applicable.

5.3. Waterford City and County Development Plan 2022-2028

- 5.3.1. The subject site is not zoned in the County Development Plan and is currently in agricultural use.
- 5.3.2. In terms of Landscape Character, the site is defined as 'Farmed Lowlands' in appendix 8 of the CDP and is a 'Low Sensitive' landscape area of primarily pastureland. These areas are defined as having potential to absorb a wide range of development types.
- 5.3.3. Policy Objective WQ1 – Water Framework Directive and Associated Legislation' seeks to protect existing and potential water resources.
- 5.3.4. Section 6.1 of Volume 2 of the Development Plan relates to Rural Development and includes Development Management Objective DM 32 and includes the following:
- Agricultural buildings/ structures be sited as unobtrusively as possible, and
 - The design, scale, siting and layout of agricultural buildings should respect, and where possible, enhance the rural environment.
 - Appropriate materials and colours are used. The use of dark colours, notably, dark green/reds and greys are most suitable for farm buildings.
 - The planting of shelter belts will be required to screen large scale sheds and structures.
 - Buildings should generally be located a minimum of 100metres from the nearest dwelling other than the applicants dwelling.
 - The Council will generally seek to cluster agricultural buildings and structures together, and siting to assimilate effectively into the landscape.
 - Any proposals for farmyard developments must make provision for runoff, and where there is a danger of groundwater or surface water contamination, the Council will require appropriate treatment of runoff. The Council shall have regard to the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2009 (S.I 101 of 2009) in relation to acceptable agricultural practice standards.

5.4. **Natural Heritage Designations**

- 5.4.1. The closest area of natural heritage designation is the Natura 2000 site, Lower River Suir SAC (Site Code 002137), approx. 2.5km to the northeast. The Comeragh Mountains SAC (Site Code 001952), is located approximately 11km to the west.

6.0 EIA Screening

- 6.1.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended (or Part V of the 1994 Roads Regulations) and therefore can be ruled out for environmental impact purposes at preliminary examination stage and a screening determination is not required. Please see Appendix 1 attached.

7.0 The Appeal

7.1. Grounds of Appeal

- 7.1.1. A Third-Party Appeal has been submitted against the decision made by Waterford City and County Council to grant permission for the proposed development.
- 7.1.2. The grounds of appeal can be summarised as follows:
- The Planning Authority failed to carry out an Appropriate Assessment according to the law as set out in Kelly v An Bord Pleanala [2014] IEHC 400 (25 July 2014 and paragraph 44 of CJEU Case 258/11 - "So far as concerns the assessment carried out under Article 6(3) of the Habitats Directive, it should be pointed out that it cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned."

7.2. Applicant Response

- 7.2.1. None.

7.3. Planning Authority Response

- 7.3.1. None.

7.4. Observations

7.4.1. None.

8.0 **Assessment**

8.1. Having reviewed the details and appeal documentation on the file, the submissions made, having inspected the site, and having regard to relevant local and national policy and guidance, I conclude that the main issues are the following:

- Water Quality Impacts
- Appropriate Assessment

8.2. **Water Quality Impacts**

8.2.1. The Third-Party Appeal claims that the Planning Authority failed to carry out an Appropriate Assessment according to the law, which states the assessment cannot have any lacunae and must contain complete, precise and definitive findings and conclusions. I consider this issue to be related to water quality impacts from the proposed development, which are also related to the Appropriate Assessment (AA) of the subject proposal on the principles of water quality maintenance. I refer the Commission to my key findings in the AA section of this assessment for additional details in relation to water quality preservation.

8.3. **Purpose of WFD**

- 8.3.1. The purpose of the WFD is to ensure that no changes occur that cause a deterioration of the ecological status of any water body, and that the development does not prevent the achievement of the future status objectives of any water body. Impacts on water quality can in some instances have a knock-on effect on the appropriate assessment of the proposed development as outlined in Section 8.4 of this report.
- 8.3.2. The subject site is located in the Dawn [River]_SC_10 WFD sub-catchment and the Darrigal_010 WFD river sub basin. The main channel of the River Darrigal flows approximately 600m east of the subject site, with the Clodiagh (Portlaw)_050 running 1km to the west. The Darrigal continues to the east for approximately 4km before discharging to the River Suir.
- 8.3.3. The proposed development is as set out in Section 2 of this report.

- 8.3.4. The lawfulness of the Appropriate Assessment undertaken by the Planning Authority, which is related to water quality impacts, was questioned in the appeal. I have had regard to the Planning Authority screening for Appropriate Assessment in my consideration of this appeal.
- 8.3.5. The minimum water quality standards required for the Lower River Suir SAC (002137) is 'Q4 – Good' Status to restore the favourable conservation condition of Atlantic Salmon in Lower River Suir SAC. The maintenance and enhancement of this status and any implications for the qualifying interests of the Lower River Suir SAC are key considerations in this appeal.
- 8.3.6. I have assessed the proposed cubicle shed with slatted tanks, in the context of the objectives as set out in Article 4 of the Water Framework Directive to protect and, where necessary, restore surface & ground waterbodies in order to reach good status (meaning both good chemical and good ecological), and to prevent deterioration.
- 8.3.7. Ecological status of surface water is defined through assessment of ecological and chemical status. Ecological status relates to the biological quality elements supported by the physico-chemical elements and hydromorphology elements. Chemical status relates to the amount of priority substances and priority hazardous substances within a waterbody.
- 8.3.8. I consider that to mitigate against potential negative effects on surface and groundwater quality, quantity and flow patterns, mitigation measures will be required at construction and operational phases. The main mitigation is to ensure the slurry effluent and farmyard manure shall be disposed of in such a manner and at such intervals and locations as to ensure that it does not cause pollution of any watercourse or source of water supply and is in accordance with the requirements of the European Communities (Good Agricultural Practice for Protection of Waters) Regulations 2022. Construction phase mitigation measures should include standard good practice construction methods such as carrying out works in periods of low rainfall, provision of settlement ponds, storage of fuels off site and monitoring for leaks. The applicant has not provided details of construction mitigation, but I am satisfied that this can be ensured by way of condition.

- 8.3.9. During the operational phase, surface water will be discharged to existing fields or suitably sized soakaways to prevent any sediments from entering watercourses. There will be no direct discharge to nearby surface water features, given the physical separation distances involved. I also note from EPA Flood maps that the subject site is not at risk of flooding, which eliminates any potential floodplain impacts on any Natura 2000 sites.
- 8.3.10. The slatted tanks will be used to collect and store foul water associated with the proposed development. The slurry will be required to be spread in accordance with the standard agricultural protocols which are driven by water quality regulations including the EU Good Agricultural Practice for protection of Waters Regulations 2022 (GAP Regulations). The submitted breakdown of limits for the subject landholding is 220 kg of nitrogen per hectare (NPH), with the given NPH for the land holding being 213kg N/ha, which is below the limit given by the Department of Agriculture, Food and Marine in the submitted documents.
- 8.3.11. Given the nature, scale and location of the project, and the 213kg HPH for the lands, which is below the Department of Agriculture limit of 220kg NPH, I am satisfied that slurry produced within the proposal will be managed via the application of the GAP Regulations and it can be eliminated from further assessment because there is no conceivable risk to any surface and/or ground waterbodies when mitigation measures are implemented.
- 8.3.12. The reason for this conclusion is as follows:
- The proposed development does not involve any abstraction of groundwater or alteration of drainage patterns. Therefore, the available quantity/volume of groundwater and surface water to the receiving waters will remain unaltered during the construction and operational phases.
 - Physical separation to waterbodies will dilute any potential impacts from surface water runoff from the site.
 - I have taken into account the WFD screening report/ and AA Screening determination by the Planning Authority that notes the subject proposal can comply with Good Agricultural Practice regulations and recommended a

condition is included to ensure this practice is implemented. It is noted all farm operators are required to comply with these regulations.

Conclusion

- 8.3.13. I conclude on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters, transitional and coastal) either on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives and consequently can be excluded from further assessment. Based on the information provided, the water status will remain unchanged as a result of the proposed development, and therefore the proposal will not impact on water quality status.
- 8.3.14. The carrying out of land spreading does not form a specified part of this application. As noted, the application details provide that the subject farm will remain below the applicable limits for nitrogen per hectare and will be below 220kg N/ha. In this regard, I note that any subsequent, land spreading would be regulated by the provisions of S.I. No. 113/2022 entitled “European Union (Good Practice for Protection of Waters) Regulations 2022” (as amended).
- 8.3.15. The potential risks to water quality arising from either the construction and/or operational phases of the proposed cubicle shed and slatted tank is further considered in the Screening for Appropriate Assessment Determination in the following sections.

8.4. Appropriate Assessment

Stage 1 - Screening

8.5. Compliance with Article 6(3) of the Habitats Directive

- 8.5.1. The third party appeal submits the proposal must be subject to Appropriate Assessment in full compliance with the law. The requirements of Article 6(3) relate to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) and is considered fully in this section.
- 8.5.2. In accordance with the obligations under the Habitats Directives and implementing legislation, to take into consideration the possible effects a project may have, either on its own or in combination with other plans and projects, on a European site; there

is a requirement on the Commission, as the competent authority, to consider the possible nature conservation implications of the proposed development on the Natura 2000 network, before making a decision, by carrying out appropriate assessment. The first stage of assessment is 'screening'.

- 8.5.3. The methodology for screening for Appropriate Assessment as set out in EU Guidance and the Department of Environment, Heritage and Local Government is:
- 1) Description of the plan or project and local site or plan area characteristics.
 - 2) Identification of relevant European sites and compilation of information on their qualifying interests and conservation objectives.
 - 3) Assessment of likely significant effects-direct, indirect, and cumulative, undertaken on the basis of available information.
 - 4) Screening Statement with conclusions.
- 8.5.4. As the appeal submits the Planning Authority has failed to carry out an Appropriate Assessment according to the law, the Commission are now the competent authority for the purposes of this appeal, and a full appropriate assessment is set out hereunder.
- 8.5.5. There was no Appropriate Assessment screening assessment submitted with the application.

8.6. **Project Description**

- 8.6.1. The proposed development as submitted in summary, comprises of a cubicle shed with effluent tanks, and all ancillary site works on lands at Ballycahane, Portlaw, Waterford.
- 8.6.2. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:
- Construction related -uncontrolled surface water/silt/ construction related pollution
 - Habitat loss/ fragmentation
 - Habitat disturbance /species disturbance (construction and/or operational)

8.6.3. In relation to the matter of habitat loss or alteration, the proposed development site is not hydrologically or physically connected to the Lower River Suir SAC and could not therefore result in loss or alteration of the habitat. Regarding the issue of habitat/species fragmentation the proposed development would not result in any direct habitat loss or fragmentation as the site is not part of or immediately adjacent to any Natura 2000 designated site.

8.7. European Sites

8.7.1. Table 1 provides an Identification of Relevant European Sites (Natura 2000) within a zone of influence of the proposed development area.

Table 1 below provides a list of Proximity to designated sites of conservation importance.

European Site	Code	Distance	Direct Hydrological/Biodiversity Connection
Lower River Suir SAC	002137	2.5km northwest	No
Comeragh Mountains SAC	001952	11km west	No

8.7.2. As there are no hydrological links/biodiversity connections to the Natura 2000 sites, the Lower River Suir or Comeragh Mountains SAC, these sites can therefore be screened out. For the purposes of completeness, I have considered potential impacts on both sites in full below.

8.7.3. The Qualifying Habitats and Species of each of the Natura 2000 Sites as referred to above are included in Table 2 below.

The Qualifying Interests and General Conservation Objectives of the identified Designated Natura 2000 site is as shown in Table 2 below:

European Site (code) and distance from proposed development	List of Qualifying Interest/Special Conservation Interest	General Conservation Objectives	Connections (source, pathway receptor)	Considered in further screening Y/N
<p>Lower River Suir SAC (002137) Distance 2.5km north</p>	<p>Atlantic salt meadows (Glauco-Puccinellietalia maritima) [1330] Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation [3260] Hydrophilous tall herb fringe communities of plains and of the montane to alpine levels [6430] Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]</p>	<p>To maintain or restore the favourable conservation condition of the species listed as Special Conservation interests for this SAC.</p>	<p>There is a potential source – pathway – connectivity via surface water run off between the proposed development site and the Darrigal Stream 600m to the east that connects to the Lower River Suir SAC, approximately 3km to the east. Existing drainage features at the subject site discharge into existing fields</p>	<p>Y</p>

	<p>Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>) [91E0]</p> <p><i>Taxus baccata</i> woods of the British Isles [91J0]</p> <p><i>Margaritifera margaritifera</i> (Freshwater Pearl Mussel) [1029]</p> <p><i>Austropotamobius pallipes</i> (White-clawed Crayfish) [1092]</p> <p><i>Petromyzon marinus</i> (Sea Lamprey) [1095]</p> <p><i>Lampetra planeri</i> (Brook Lamprey) [1096]</p> <p><i>Lampetra fluviatilis</i> (River Lamprey) [1099]</p>		<p>and onsite soakaways and given the separation distances involved, surface water impacts during construction or operational phases are unlikely to impact the conservation objectives of the SAC. Given the potential surface water drainage characteristics, I have considered potential impacts on this SAC further.</p>	
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	<p>Alosa fallax fallax (Twaite Shad) [1103]</p> <p>Salmo salar (Salmon) [1106]</p> <p>Lutra lutra (Otter) [1355]</p> <p>Lower River Suir SAC National Parks & Wildlife Service</p>			
<p>Comeragh Mountains SAC (Site Code 001952)</p>	<p>Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]</p> <p>Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho- Batrachion vegetation [3260]</p> <p>Northern Atlantic wet heaths with Erica tetralix [4010]</p> <p>European dry heaths [4030]</p>	<p>To maintain or restore the favourable conservation condition of the species listed as Special Conservation interests for this SAC.</p>	<p>There is no source- pathway- connectivity between the subject site and the Comeragh Mountains SAC</p>	<p>No.</p>

	<p>Alpine and Boreal heaths [4060]</p> <p>Blanket bogs (* if active bog) [7130]</p> <p>Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]</p> <p>Calcareous rocky slopes with chasmophytic vegetation [8210]</p> <p>Siliceous rocky slopes with chasmophytic vegetation [8220]</p> <p>Hamatocaulis vernicosus (Slender Green Feather-moss) [6216]</p> <p>Comeragh Mountains SAC National Parks & Wildlife Service</p>			
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8.7.4. I have reviewed the information on file and the documentation submitted by the applicant. With an absence of any identifiable hydrological connection, the Comeragh Mountains SAC has been screened out. Given the potential for impacts through surface water discharge during construction and operation, significant impacts on the Lower River Suir SAC cannot be discounted. In view of the proximity of this proposal to watercourses connecting to the SAC this proposal has potential to impact on the integrity of this site, and this is considered further in the Screening Rationale below.

8.8. **Assessment of likely Effects (Direct/Indirect)**

Comeragh Mountains SAC

8.8.1. No significant adverse impact-receptor pathway has been identified as a result of the proposed development in relation to the Comeragh Mountains. Likewise, there are no habitats of importance for the species identified as QI in this SAC that will be impacted by the proposed development. Therefore, it is objectively concluded that no significant effects arising from the proposed development are likely to occur in relation to this SAC.

Lower River Suir SAC

8.8.2. There is a potential pathway from the proposed development site to this SAC (c.600m to Darragle Stream that flows 3.5km to the Lower River Suir SAC to the east) via surface water drainage characteristics. The SAC itself is located approximately 2.5km to the northeast of the proposed development site. Potential significant effects on the Qualifying Interests (QI) may arise in the form of emissions to surface water resulting from the construction and operational phases. However, due to the separation distances involved, the absence of direct connections to watercourses and on site soakaways, no meaningful connection to the SAC occurs. Indirect habitat/species loss or deterioration of Natura 2000 sites (including water quality) within the surrounding area can occur from the effects of run-off or discharge into the aquatic environment through impacts such as increased siltation, nutrient release and/or contamination. However given the separation distance and lack of direct connection, no impacts to the SAC are likely.

8.8.3. Given the above details, there is no potential pathway for direct effects for the Lower River Suir SAC during construction and operational phases. A stage 2 appropriate assessment is therefore not required.

8.9. Conclusion – Stage 1 AA

- 8.9.1. Having reviewed the details on file and having regard to the nature and scale of the proposed development, the location of the site within a rural area, the absence of strong ecological and/ or hydrological connections, and the physical separation distances to European Sites, I consider the potential of likely significant effects on European Sites arising from the proposed development, alone or in combination effects, can be reasonably excluded.
- 8.9.2. The spreading of organic fertilisers is managed under the GAP Regulations 2022. These regulations are for the purpose of preventing water pollution. They provide for the limitation of quantities of nitrates and phosphate that can be directly applied to land. Surface water is protected through the separation distance from surface water features. Groundwater is protected by the prohibition of direct discharge to groundwater and measures to prevent indirect pollution through discharge to ground and percolation through the soil. Therefore, I am satisfied, subject to the adherence to the GAP Regulations 2022, that no in-combination or cumulative impacts arise from any land spreading associated with the proposed development. Reliance on the GAP Regulations for the control of land spreading is not a mitigation measure for the purpose of preventing a significant effect on any European Site as this is governed by regulation and applies to all land where spreading takes place, to prevent pollution to surface water and groundwater.
- 8.9.3. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, Stage 2 Appropriate Assessment is not required for the Lower River Suir SAC or the Comeragh Mountains SAC and these European Sites can be screened out.

9.0 Water Framework Directive

- 9.1.1. I conclude that on the basis of objective information, that the proposed development will not result in a risk of deterioration on any water body (rivers, lakes, groundwaters,

transitional and coastal) either qualitatively or quantitatively or on a temporary or permanent basis or otherwise jeopardise any water body in reaching its WFD objectives based on the mitigation measures, drainage arrangements and management of surface water as set out in the proposed development. Please see WFD Assessment attached at Appendix 3 of this report.

10.0 Recommendation

10.1. I recommend that permission for the development be granted for the following reasons and considerations.

11.0 Reasons and Considerations

Having regard to:

- (a) the established use of the appeal site as an agricultural farmyard,
- (b) its location in a rural area, generally removed from residential development,
- (c) the nature of the proposal which is to provide for animal welfare and good environmental management of the facility,
- (d) the fact that the proposed development will be subject to Department of Agriculture regulation, and
- (e) the provisions of the Waterford City and County Development Plan 2022-2028,

It is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or property in the vicinity, would not give rise to an undue risk of water pollution, would not be prejudicial to public health and would be acceptable in terms of rural development. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

12.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may
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	<p>otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>All construction activities on site shall be carried out/managed in such a manner that no polluting material or contaminated surface water enters groundwater, any watercourse, or public roadway.</p> <p>Reason: In the interests of ensuring the protection of water quality in the receiving environment.</p>
4.	<p>Drainage arrangements for the site, including the disposal of surface and soiled water, shall comply with the requirements of the planning authority for such works and services. In this regard:</p> <p>(a) uncontaminated surface water run-off shall be disposed of directly in a sealed system to ground in appropriately sized soakaways.</p> <p>(b) all soiled waters shall be directed to an appropriately sized soiled water storage tank (in accordance with the requirements of the European Union (Good Agricultural Practice for the Protection of Waters (Amendment) Regulations 2022, as amended, or to a slatted tank. Drainage details shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.</p> <p>(c) all separation distances for potable water supplies as outlined in the European Union (Good Agricultural Practice for the Protection of Waters)(Amendment) Regulations 2022, as amended shall be strictly adhered to.</p>

	Reason: In the interest of public health.
5.	<p>All soiled waters and slurry generated by the proposed development and in the farmyard shall be conveyed through properly constructed channels to the proposed and existing storage facilities. No soiled waters or slurry shall discharge or be allowed to discharge to any drainage channel, stream, watercourse or to the public road.</p> <p>Reason: In the interest of public health.</p>
6.	<p>All uncontaminated roof water from buildings and clean yard water shall be separately collected and discharged in a sealed system to existing drains, watercourses or to appropriately sized soakaways. Uncontaminated waters shall not be allowed to discharge to soiled water and/or slurry tanks or to the public road.</p> <p>Reason: In order to ensure that the capacity of soiled water tanks are reserved for their specific purposes.</p>
7.	<p>The proposed development shall be designed, sighted and constructed in accordance with the Department of Agriculture, Food and the Marine TAMS specifications as per the European Communities (Good Agricultural Practice for Protection of Waters) Regulations, 2022 (S.I 113 of 2022).</p> <p>Reason: In the interest of public health and residential amenity.</p>
8.	<p>a. All waste generated during construction, including surplus excavation material to be taken off site, shall be recovered or disposed of at an authorised site which has a current waste licence or waste permit in accordance with the Waste Management Acts, 1996 to 2008. This shall not apply to the reuse of excavated uncontaminated soil and other naturally occurring material within the site boundary.</p> <p>b. The effluent storage tanks must be constructed in accordance with the minimum specification documents issued by the Department of Agriculture, Food and the Marine S123 Minimum Specification for Bovine Livestock units and Reinforced Tanks.</p> <p>c. The livestock sheds must be constructed in accordance with the minimum specification document issued by the Department of</p>

	<p>Agriculture, Food and the Marine, S101 Minimum Specification for Agricultural Buildings.</p> <p>d. All new buildings must be cognisant of the separation distances as outlined in the European Union Good Agricultural Practice for the Protection of Waters Regulations 2021.</p> <p>Reason: In the interest of public health.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
10.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence me, directly or indirectly, following my professional assessment and recommendation set out in my report in an improper or inappropriate way.

Matthew McRedmond
Senior Planning Inspector

02nd June 2026

Appendix 1: Form 1 EIA Pre-Screening

Case Reference	PL-500883-WD-25
Proposed Development Summary	Cubicle Shed with slatted tanks and all associated site works.
Development Address	Ballcahane, Portlaw, Co. Waterford
IN ALL CASES CHECK BOX / OR LEAVE BLANK	
1. Does the proposed development come within the definition of a 'Project' for the purposes of EIA?	<input checked="" type="checkbox"/> Yes, it is a 'Project'. Proceed to Q.2.
	<input type="checkbox"/> No, No further action required.
(For the purposes of the Directive, "Project" means: - The execution of construction works or of other installations or schemes, - Other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources)	

2. Is the proposed development of a CLASS specified in Part 1, Schedule 5 of the Planning and Development Regulations 2001 (as amended)?	
<input type="checkbox"/> Yes, it is a Class specified in Part 1. EIA is mandatory. No Screening required. EIAR to be requested. Discuss with ADP.	State the Class here
<input checked="" type="checkbox"/> No, it is not a Class specified in Part 1. Proceed to Q3	
3. Is the proposed development of a CLASS specified in Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended) OR a prescribed type of proposed road development under Article 8 of Roads Regulations 1994, AND does it meet/exceed the thresholds?	
<input checked="" type="checkbox"/> No, the development is not of a Class Specified in Part 2, Schedule 5 or a prescribed type of proposed road development under Article 8 of the Roads Regulations, 1994. No Screening required.	
<input type="checkbox"/> Yes, the proposed development is of a Class and meets/exceeds the threshold. EIA is Mandatory. No Screening Required	State the Class and state the relevant threshold
<input type="checkbox"/> Yes, the proposed development is of a Class but is sub-threshold.	State the Class and state the relevant threshold

<p>Preliminary examination required. (Form 2)</p> <p>OR</p> <p>If Schedule 7A information submitted proceed to Q4. (Form 3 Required)</p>	
<p>4. Has Schedule 7A information been submitted AND is the development a Class of Development for the purposes of the EIA Directive (as identified in Q3)?</p>	
<p>Yes <input type="checkbox"/></p>	<p>Screening Determination required (Complete Form 3)</p>
<p>No <input checked="" type="checkbox"/></p>	<p>Pre-screening determination conclusion remains as above (Q1 to Q3)</p>

Inspector: _____

Date: _____

Appendix 2: Water Framework Directive Assessment

WFD IMPACT ASSESSMENT STAGE 1: SCREENING			
Step 1: Nature of the Project, the Site and Locality			
An Comisiún Pleanála ref. no.	PL-500883-WD-26	Townland, address	Ballycahane, Portlaw, Co. Waterford
Description of project		Cubicle shed, and slatted tank with all associated site works.	
Brief site description, relevant to WFD Screening,		<p style="text-align: center;">Site is location of an existing farmyard in a rural area.</p> <p style="text-align: center;">No water features on the site or adjacent to the site.</p> <p style="text-align: center;">Site not located within a flood zone area.</p> <p style="text-align: center;">Site is generally level with onsite drainage.</p> <p style="text-align: center;">Site is c. 3km from the River Suir to the east and is within the WFD Catchment of Suir</p>	
Proposed surface water details		Surface water to on site soakaway	
Proposed water supply source & available capacity		Private well	

Proposed wastewater treatment system & available capacity, other issues			Onsite wastewater treatment system			
Step 2: Identification of relevant water bodies and Step 3: S-P-R connection						
Identified water body	Distance to (m)	Water body name(s) (code)	WFD Status	Risk of not achieving WFD Objective e.g.at risk, review, not at risk	Identified pressures on that water body	Pathway linkage to water feature (e.g. surface run-off, drainage, groundwater)
Coastal	C. 600m east	Darrigal_010 IE_SE_16D290570	Good	Review	None Identified	Potential Surface water Runoff
Groundwater	Underlying site	Waterford Code: IE_SE_G_149	Good	Not at risk	None identified	Surface water drainage to ground. Effluent treatment and disposal to ground

Step 3: Detailed description of any component of the development or activity that may cause a risk of not achieving the WFD Objectives having regard to the S-P-R linkage.							
CONSTRUCTION PHASE							
No.	Component	Waterbody receptor (EPA Code)	Pathway (existing and new)	Potential for impact/ what is the possible impact	Screening Stage Mitigation Measure*	Residual Risk (yes/no) Detail	Determination** to proceed to Stage 2. Is there a risk to the water environment? (if 'screened' in or 'uncertain' proceed to Stage 2.
	River	Darrigal IE_SE_16D290570	None apparent	Pollution and sedimentation	Standard best practice construction	No	Screened Out
	Ground	Waterford Code: IE_SE_G_149	underground	Pollution, ground filtration	standard best practice construction. Adherence to GAP Regulations	No	Screened out
OPERATIONAL PHASE							
	River	Darrigal IE_SE_16D290570	Surface run off	Pollution and sedimentation	On site drainage and soakaways	No	Screened Out

4.	Ground	Waterford Code: IE_SE_G_149	underground	pollution and ground filtration	On site drainage to contained tanks. Adherence to GAP Regulations.	No	Screened out
DECOMMISSIONING PHASE							
5.	NA						